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Attorneys for Defendants KAISER ALUMINUM
CORPORATION and KAISER ALUMINUM &
CHEMICAL CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MOSS LANDING COMMERCIAL PARK
LLC,

Plaintiff,

v.

KAISER ALUMINUM CORPORATION,
KAISER ALUMINUM & CHEMICAL
CORPORATION, and DOES 1 through
100,

Defendants.

CASE NO. C07 06072 RMW/PVT

**STIPULATION AND []
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

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WHEREAS, plaintiff Moss Landing Commercial Park ("MLCP") has filed and served its
First Amended Complaint upon defendants Kaiser Aluminum Corporation and Kaiser Aluminum
& Chemical Corporation (collectively, the "Kaiser Defendants"), and the Kaiser Defendants have
answered such Complaint;

1 WHEREAS, the Kaiser Defendants assert that this action is barred by the relief granted to
2 the Kaiser Defendants in their Chapter 11 bankruptcy proceedings;

3 WHEREAS, the Kaiser Defendants sought and obtained an order from the Delaware
4 bankruptcy court requiring MLCP to dismiss its Complaint;

5 WHEREAS, MLCP appealed therefrom, and the Delaware District Court has upheld the
6 order of the Delaware bankruptcy court;

7 WHEREAS, MLCP is considering appealing to the Third Circuit Court of Appeals; and,

8 WHEREAS, the parties wish to conserve judicial resources.

9 NOW, THEREFORE, plaintiff MLCP and the Kaiser Defendants stipulate and
10 respectfully request that the Court enter an order as follows:

11 1. The Case Management Conference currently scheduled for February 20, 2009 be
12 continued to May 22, 2009, at 10:30 a.m. in Courtroom 6.

13 2. Not later than February 21, 2009, MLCP shall inform this Court whether it has
14 filed a notice of appeal with the Third Circuit Court of Appeals.

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1 Dated: February 12, 2009

ROPER, MAJESKI, KOHN & BENTLEY

2 By: /s/

3 THOMAS H. CLARKE, JR.
Attorneys for Plaintiff MOSS LANDING
COMMERCIAL PARK LLC

4 Dated: February 12, 2009

JONES DAY

6 By: /s/

7 THOMAS M. DONNELLY
Attorneys for Defendants KAISER
ALUMINUM CORPORATION and
8 KAISER ALUMINUM & CHEMICAL
CORPORATION

10
11 **IT IS SO ORDERED.**

12 Dated: February 19, 2009


The Honorable Ronald M. Whyte
United States District Court Judge